



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,754	07/01/2003	Thomas Matt	H60-094 DIV	5042

7590 05/14/2004

NATARO & MICHALOS P.C.
Suite 110
100 Dutch Hill Road
Orangeburg, NY 10962-2100

EXAMINER

VERSTEEG, STEVEN H

ART UNIT PAPER NUMBER

1753

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/611,754

Applicant(s)

MATT, THOMAS

Examiner

Steven H VerSteeg

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/886,678.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the patent number of the parent application needs to be inserted on page 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The term "types" in claim 13 is a relative term which renders the claim indefinite. The term "types" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear what exactly is meant by the limitation "CDs of all types" in claim 13 because it is unclear what exactly is necessary to make an object a CD within the claim scope.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1753

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3 and 6-13 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,709,785 to LeBlanc, III et al. (LeBlanc).

7. For claim 1, Applicant requires a coating apparatus for disk-shaped workpieces, comprising: a transport chamber, and a workpiece transport configuration which comprises; at least two linearly extendable and retractable transport rams driven under control and connected with a rotational axis driven under control, which are within shell lines of a rotation body about the rotational axis and which can be extended and retracted in the same direction with respect to a direction on the rotational axis; and a workpiece receiver at the ends on each ram, at least two operating openings by which the transport chamber communicates with stations, of which one is a coating station, wherein the surface normals of the operating openings are directed in the direction of shell lines of the rotation body; a pump unit, communicating via a pump opening with the transport chamber, for the transport chamber as well as also for the coating station, and wherein at least one of the rams comprises at its end a closure configuration or can be equipped therewith, is orientable toward the pump opening and the closure configuration, and, with orientation of the ram onto the pump opening and subsequently its extension, enters into an operational connection forming a sealed closure.

8. LeBlanc discloses a coating apparatus (col. 1, l. 8-11) comprising a transport chamber 10 and a workpiece transport configuration (col. 2, l. 12-14) comprising four linearly extending and retractable transport rams 21, 22, and 17. The rams are under control and connected with a rotational axis (Figure 1) with shell lines of a rotational body about the rotational axis and that

Art Unit: 1753

can be extended and retracted in the same direction with respect to a direction on the rotational axis. A workpiece carrier 17 is on each ram. There are several openings 11-14 so that the transport communicates with the stations of which one is a sputtering station 16. A pump unit is present for the transport chamber and the sputtering chamber. At least one of the rams comprises at its end a closure so that a sealed closure forms when the ram engages the opening (Figure 1).

9. For claim 2, Applicant requires the rotation body is a cylinder or a cone and the rams under linear driving can be extended and retracted parallel or obliquely to the rotational axis. Leblanc discloses the limitation (Figure 1).

10. For claim 3, Applicant requires the rotation body to be a cone with a 90 degree aperture angle and the rams to project radially from the rotational axis with the operating openings and the pump opening with their opening surface normal located in the rotational plane of the rams about the rotational axis. LeBlanc discloses the limitations (Figure 1).

11. For claim 6 Applicant requires the coating station and transport chamber to be connected via a communication connection not under control. For claim 7, Applicant requires the coating to be sputtering. LeBlanc discloses a sputtering station 16 and the sputtering station and transport chamber to be connected by a communication condition not under control (Figure 1).

12. For claim 8, Applicant requires the workpiece receiver to be formed by a workpiece receiving plate for at least one disk shaped workpiece with the plate forming the closure member. As can be seen from Figure 1, the workpiece receiver has a plate 17 that forms the closure member.

13. For claim 9, Applicant requires the closure configuration to be provided on all rams as a workpiece carrier plate. Figure 3B shows the limitation.

14. For claim 10, Applicant requires the closure configuration to enter into operational connection with the particular opening to form a closure. Figure 1 shows the limitation.

15. For claim 11, Applicant requires the closure configuration to be formed by a workpiece placed on the ram. The workpiece **31** is on the ram (Figure 2B) and forms the closure.

16. For claim 12, Applicant requires means for fabrication magnetic or optical storage disks. For claim 13, Applicant requires means for fabrication of CDs. LeBlanc discloses means for forming compact disks (col. 1, l. 8-11).

17. Claims 1, 2, and 4-13 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,416,640 B1 to Schertler.

18. Claims 1, 2, and 6-13 are described above. For claim 4, Applicant requires two of the rams are provided which are disposed offset by 180 degrees with respect to the rotational axis, wherein also only two of the stations are provided, of which the one is a lock station and the two operating openings oppose one another with respect to the rotational axis.

19. For claim 5, Applicant requires the pump opening is disposed in a plane and, with respect to the rotational axis and the operating openings, is disposed offset by 90 degrees between the latter, wherein further, opposing the pump opening with respect to the rotational axis, a supplemental opening is disposed in the wall of the transport chamber.

20. Schertler discloses a sputtering station for a disc shaped workpiece (abstract) comprising a transport chamber **1**, a workpiece transport configuration **17** with two linearly extendable rams **13** with a rotational axis **A1** that allows extending and retracting the rams (Figure 1). A workpiece receiver **21** is also present at the end of the rams. There are two openings (Figure 1) by which the transport chamber communicates with a sputtering source and a load lock chamber.

Art Unit: 1753

There is a pump unit communicating with the load lock chamber. The rams create a sealed closure with the stations (claim 1). The rotational body is a cylinder or a cone (Figure 1). The rams are disposed 180 degrees apart (Figure 1) and only two stations are provided (Figure 1). The stations oppose one another (Figure 1). The pump opening 38 is disposed 90 degrees between the openings for the chambers. The coating station is a sputtering station (Claim 1). There is a closure piece on each ram (Figure 1) as a workpiece carrier with a workpiece (Figure 1). The apparatus is for coating CDs (col. 3, l. 8-12).

General Information

For general status inquiries on applications not having received a first action on the merits, please contact the Technology Center 1700 receptionist at (571) 272-1700.

For inquiries involving Recovery of lost papers & cases, sending out missing papers, resetting shortened statutory periods, or for restarting the shortened statutory period for response, please contact Denis Boyd at (571) 272-0992.

For general inquiries such as fees, hours of operation, and employee location, please contact the Technology Center 1700 receptionist at (571) 272-1300.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven H VerSteeg whose telephone number is (571) 272-1348. The examiner can normally be reached on Mon - Thurs (6:30 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1753

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven H VerSteeg
Primary Examiner
Art Unit 1753

shv
May 11, 2004